



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2757-99

19 May 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149

(2) Case Summary

(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Bartlett, Swarens, and Hogue reviewed Petitioner's allegations of error and injustice on 17 May 2000, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 13 February 1995 for three years as an AS3 (E-4). At the time of his reenlistment, he had completed more than six years of prior

active service. On 6 April 1995, he extended his enlistment for an additional period of six months. He served without any disciplinary actions and was honorably discharged on 12 August 1998. At the time of his discharge he had completed more than nine years and 10 months of active service and his final averages in both conduct and overall traits were 3.75.

d. Regulations provide that individuals in pay grade E-4 are ineligible to reenlist beyond 10 years of active service due to high year tenure (HYT). However, regulations authorize the assignment of an RE-6 reenlistment code to individuals who have reached the HYT mark and are not authorized a waiver to reenlist.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner had no disciplinary actions in nearly 10 years of service and his overall performance and conduct were above average. The Board does not believe Petitioner's overall record of performance warranted the assignment of the most restrictive RE-4 reenlistment code. The Board concludes that it would be appropriate and just to change his reenlistment code to RE-6.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, on 12 August 1998, to RE-6. This should include the issuance of a new DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.


4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



~~for~~ W. DEAN PFEIFFER
Executive Director